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July 10, 2006

Mr. Vernon A. Williams Secretary Surface Transportation Board 1925 K Street NW Washington, DC 20423-0001

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RE:

Finance Docket 30186 (Sub No. 2), Tongue River Railroad Co. -- Rail Construction and Operation -- Ashland to Decker, Montana

#### Dear Mr. Williams:

I am submitting, on behalf of the Tongue River Railroad Company, an original and ten copies of our four-month progress report for the latest four-month period, pursuant to the Surface Transportation Board's favorable decision served November 8, 1996 in FD 30186 (Sub-No. 2).

Please note that a copy of the four-month report has been served only on the Parties of Record identified in the Surface Transportation Board's complete service list served October 3, 2003 and amended in a notice served by the Surface Transportation Board on October 24, 2003. We will continue to serve the four-month report on these parties.

Sincerely,

Douglas A. Day Representative for the

Tongue River Railroad Company

Enclosure

cc: Parties of record

#### CERTIFICATE OF SERVICE

I hereby certify that on this 10<sup>th</sup> day of July, 2006, a copy of the foregoing document was served via first class mail, postage prepaid, to the following Parties of Record:

Sarah Whitley Bailiff BNSF Railway Company Railway Company P. O. Box 961039 2500 Lou Menk Drive 3<sup>rd</sup> Floor Fort Worth, TX 76131-2828

JW Boulware RT 2 Box 3015 Miles City, MT 59301

Betty Jo Christian Steptoe & Johnson LLP 1330 Connecticut Ave., NW Washington, DC 20036-1795

Jake Cummins MT Farm Bureau Federation 502 South 19<sup>th</sup> Bozeman, MT 59718

Mark Fix HC 32 Box 4196 Miles City, MT 59301

John Hamilton Cedar Hills Angus Ranch HC 32 Box 4356 Miles City, MT 59301

Beth Kaeding 669 Stonegate Drive Bozeman, MT 59715

Steven Kelley Northern Cheyenne Tribe P. O. Box 128 Lame Deer, MT 59043 R S Knutson, General Chairman UTU GO-245 8250 W. 80<sup>th</sup> Avenue Units 7 & 8 Arvada, CO 80005

Gordon P. MacDougall 1025 Connecticut Avenue NW Suite 410 Washington, DC 20036

William R. Musgrave Musgrave Ranch P. O. Box 32 Decker, MT 59025

Nancy Owens P. O. Box 38 Basin, MT 59631-0038

Peter A. Pfohl Slover & Loftus 1224 Seventeenth Street NW Washington, DC 20036-3003

Joe Arvizu Rodriguez P. O. Box 820 Lame Deer, MT 59043

Gary Ryder P. O. Box 72 Hysham, MT 59038

Kathryn M. Schenk Chief, Regulatory Branch – US Army Corps of Engineers 106 S. 15<sup>th</sup> Street Omaha, NE 68102 Jack R. Tuholske P. O. Box 7548 234 East Pine Street Missoula, MT 59807

John F. Wardell EPA Region 8 Montana Office 10 West 15<sup>th</sup> Street, Suite 3200 Helena, MT 59626

Irv Alderson Bones Brothers Ranch P. O. Box 505 Birney, MT 59012

Jeanie Alderson Bones Brothers Ranch P. O. Box 505 Birney, MT 59012

Mr. and Mrs. Richard J. Anderson Tongue River HC 32 Miles City, MT 59301

Rep. Norma Bixby P. O. Box 1165 Lame Deer, MT 59043

William P. Carrel FL Ranch 7 Red Bluff Loop Birney, MT 59012

Marilyn Fortune T Triangle Ranch HC 32 Miles City, MT 59301

Art Hayes Jr. Brown Cattle Co. P. O. Box 517 Birney, MT 59012 Les Hirsch HC 32 Box 4311 Miles City, MT 59301

Ted Hirsch HC 32 Box 4741 Miles City, MT 59301

Nellie Israel P. O. Box 76 Joliet MT 59041

Patrick Landers HC 32 Box 4731 Miles City MT 59301

Terry Punt Bones Brothers Ranch P. O. Box 505 Birney, MT 59301

T.L. Ungricht UTU-Wyoming State Legislative Board 1659 Highland Ave Sheridan, WY 82801

Stephen Valentine III Hill House P. O. Box 547 Birney, MT 59012

Lonnie J. Wright Diamond Cross Ranch P. O. Box 70 Big Horn, WY 82833-070

Member of Congress Honorable Conrad Burns United States Senate Washington, DC 20510

Member of Congress Honorable Max Baucus United States Senate Washington, DC 20510

Member of Congress Honorable Barbara Cubin US House of Representatives Washington, DC 20515

Douglas A. Day

Douglas A. Day
Tongue River Railroad Company

2280 Grant Road, Suite B

Billings, MT 59102

# **TONGUE RIVER RAILROAD COMPANY**

# Four-Month Report to the Surface Transportation Board

July 10, 2006

#### 1. Surface Transportation Board - Regulatory Proceedings

The Tongue River Railroad Company has before the Surface Transportation Board ("Board") an application in STB Finance Docket No. 30186 (Sub-No. 3) which seeks authority to construct and operate a rail line in Rosebud and Big Horn counties, Montana. The application seeks authority to construct and operate the "Western Alignment" in Rosebud and Big Horn counties. The Western Alignment is proposed as an alternative routing for the southernmost 17.3-mile portion of the 41-mile Ashland to Decker rail line approved by the Board in 1996 ("Tongue River II"). The pending TRRC application includes proposals to modify certain portions of the rail line running between Ashland and Miles City, Montana approved by the Interstate Commerce Commission in 1986 ("Tongue River I").

A Draft Supplemental Environmental Impact Statement ("DSEIS") in the Finance Docket No. 30186 (Sub-No. 3) proceeding was served on October 15, 2004 by the Board's Section of Environmental Analysis ("SEA"). The Board's environmental review process is continuing pursuant to the final amended scope of the supplemental EIS published in the Federal Register on August 22, 2003.

## 2. Secondary Approvals

The environmental review process is being conducted in consultation with three agencies that requested and have been granted cooperating agency status. The cooperating agencies are: the U.S. Army Corps of Engineers; the U.S. Department of the Interior, Bureau of Land Management; and, the Montana Department of Natural Resources and Conservation, acting as lead agency for other Montana stage agencies. The cooperating agencies have decision-making authority for granting approvals and easements secondary to the Board's approval of the construction and operation of the Tongue River Railroad. The Draft Supplemental EIS

includes an environmental review of issues raised by the cooperating agencies in order for those agencies to fulfill their regulatory responsibilities and to avoid duplicative environmental analysis and review.

## 3. Relationship with the Burlington Northern Santa Fe

The Burlington Northern Santa Fe Railway continues to support development of the Tongue River Railroad project. The Burlington Northern Santa Fe and the Tongue River Railroad Company are maintaining communications concerning the regulatory review process and status, among other matters.

#### 4. Engineering and Design

Tongue River Railroad design engineer representatives continue to be available to respond to questions and requests for information posed as a result of the environmental review being conducted by the Board's Section of Environmental Analysis. Final engineering and design efforts remain on hold pending completion of the STB regulatory proceedings in TRR III.

# 5. TRRC Ownership Structure

There has been no change in the ownership of Tongue River Railroad Company, Inc. since the previous report.